

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.
and SAMSUNG SEMICONDUCTOR, INC.,

Defendants.

Civil Case No. 2:21cv463-JRG

JURY TRIAL DEMANDED

SAMSUNG DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Samsung filed motions on August 30, 2022 and December 22, 2022 requesting that the Court stay this case pending the resolution of the Ninth Circuit appeal regarding Samsung's license to the asserted patents and the resolution of *Inter Partes* review on all asserted claims. Dkt. No. 74; Dkt. No. 123-1.

Samsung submits this Notice of Supplemental Authority notifying the Court of the attached exhibits relevant to arguments Netlist made for the first time in its January 2nd response to Samsung's supplemental brief (Dkt. 140), namely the scope of the parties' 2015 license agreement. Ex. A (Netlist October 31, 2017 Public Interest Statement, ITC-337-TA-1089); Ex. B (Netlist Statement Of Genuine Disputes Of Material Facts In Response To Defendant's Statement Of Additional Material Facts, C.D. Cal. No. 8:20-cv-993-MCS (ADS), Dkt. 178-1 (Sept. 6, 2021)); Ex. C (CDCA Order Granting Summary Judgment, C.D. Cal. No. 8:20-cv-993-MCS (ADS), Dkt. 186 (Aug. 30, 2021)); Ex. D (Netlist Opp. to Samsung Summary Judgment, C.D. Cal. No. 8:20-cv-993-MCS (ADS), Dkt. 171 (Aug. 30, 2021)).

Date: January 18, 2023

Respectfully submitted,

/s/ Francis Albert

Ruffin B. Cordell
TX Bar No. 04820550
cordell@fr.com
Michael J. McKeon
D.C. Bar No. 459780
mckeon@fr.com
Lauren A. Degnan
D.C. Bar No. 452421
LAD@fr.com
Daniel A. Tishman
D.C. Bar No. 1013923
tishman@fr.com
Matthew Mosteller
CA Bar No. 324808
mosteller@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Washington, DC 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Katherine Reardon
NY Bar No. 5196910
kreardon@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St., NE, 21st Floor
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Francis J. Albert
CA Bar No. 247741
albert@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Thomas H. Reger II

Texas Bar No. 24032992
reger@fr.com
Matthew Colvin
Texas Bar No. 24087331
colvin@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, Texas 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

Karolina Jesien
New York Bar No. KJ7292
FISH & RICHARDSON P.C.
Times Square Tower
20th Floor
New York, NY 10036
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

Melissa Richards Smith
melissa@gillamsmith.com
GILLAM & SMITH, LLP
303 South Washington Ave.
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Alice J. Ahn
CA 271399 / DC 1004350
aahn@cov.com
COVINGTON & BURLING LLP
415 Mission Street, Ste. 5400
San Francisco, CA 94105
Telephone: (415) 591-7091
Facsimile: (415) 591-6091

Brian R. Nester
D.C. Bar No. 460225
bnester@cov.com
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: (202)-662-6000

Attorneys for Defendants Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and Samsung Semiconductor, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on January 18, 2023. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Francis Albert